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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/162,645

09/28/1998

VESPUCCI B. TRAINI JR.

2392-981478

9084

7590

08/26/2004

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EXAMINER

TRAN, THAI Q

ART UNIT

PAPER NUMBER

2616

18

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/162,645

**Applicant(s)**

TRAINI, VESPUCCI B.

**Examiner**

Thai Tran

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the Examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 01, 2004 has been entered.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 21-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (US 5,062,010) in view of Suzuki et al (US 5,796,429).

Regarding claim 21, Saito et al discloses a video recording device (Fig. 1), comprising:

a first audio source (a microphone 202 of Fig. 1, col. 4, lines 33-40) comprising a microphone configured to supply a first audio signal from the microphone onto a storage device (memory 206 of Fig. 1, col. 5, lines 37-51);

a video recording assembly (an image pick-up system 100 of Fig. 1, col. 4, lines 24-33) including a video camera in electronic communication with a video recording head (col. 4, lines 41-54 and col. 5, line 52 to col. 6, line 25);

an audio assembly including the first audio source in electronic communication with an audio recording head (col. 4, lines 4-54 and col. 5, line 52 to col. 6, line 25); and

a recording button (a video recording control button 604 of Fig. 2, gates 512 and 516 of Fig. 1, col. 5, line 37 to col. 6, line 25) in electronic communication with said video and audio assemblies, said recording device configured such that when audio recording switch is energized, activation of said recording button simultaneously activates said first audio source and said recording assembly to simultaneously record a video signal and a prerecorded audio signal from the audio source onto the storage device. However, Saito does not specifically disclose a second built-in audio source separate from the first audio source and configured to supply a second audio signal from a prerecorded audio device not recorded by the microphone onto the storage device, the second audio source selected from a radio, a cassette tape device, a

compact disc device, or a digital audio device such that the second audio device can supply an unlimited selection of second audio signals to the storage device and an audio activation switch in electronic communication with said second audio source.

Suzuki et al teaches a video camera having external storage devices 9a and 9b (the claimed a second built-in audio source separate from the first audio source and configured to supply a second audio signal from a prerecorded audio device not recorded by the microphone onto the storage device, the second audio source selected from a radio, a cassette tape device, a compact disc device, or a digital audio device such that the second audio device can supply an unlimited selection of second audio signals to the storage device and the claimed an audio activation switch in electronic communication with said second audio source) for storing music data such as IC cards, which are removable attachable to the video camera body 1 (col. 3, lines 47-56 and col. 5, line 45 to col. 6, line 11) so that various kinds of information can be recorded together with video signals.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of recording various kinds of information together with video signals as taught by Suzuki et al into Saito's system in order to record different data together with video signals as taught by Suzuki et al.

Regarding claim 22, Suzuki et al also discloses the claimed an audio power button (the music select command disclosed in col. 9, lines 17-23) in electronic communication with said second audio source to energize and de-energize said second audio source.

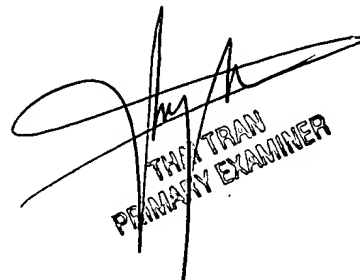
Regarding claim 23, Suzuki et al discloses the claimed an audio activation switch (the music select command disclosed in col. 9, lines 17-23) in electronic communication with said record button and said second audio source.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN  
PRIMARY EXAMINER